



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inter Application

Inventors: Michael Lorenz, et al.

Application No.: 09/560,821

Filed Date: April 28, 2000

Title: METHOD, SYSTEM, AND ARTICLE OF
MANUFACTURE FOR INTEGRATING
STREAMING CONTENT AND A REAL
TIME INTERACTIVE DYNAMIC USER
INTERFACE OVER A NETWORK

PATENT APPLICATION

Art Unit: 2142

Examiner: Blair, D.

Customer No.: 28554

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DECLARATION OF MICHAEL R. LORENZ

PURSUANT TO 37 C.F.R. §1.132

I, MICHAEL R. LORENZ, declare that:

1. I am an inventor of the invention described and claimed in the above-identified patent application. I am the Chief Technology Officer for Accordent Technologies, Inc. (hereinafter "Accordent"), assignee of the instant application. I have reviewed the pending application as stated in my Declaration for Patent Application and the pending claims as set forth in the attached RESPONSE B TO OFFICE ACTION (hereinafter "RESPONSE B") accompanying this DECLARATION. I have also reviewed the Office Action having a mailing date of 04/02/2004 (hereinafter Office Action) and U.S. Patent No. 6,557,042 B1 to *He et al.* (hereinafter "*He et al.*").

2. I understand that this Declaration will be filed in the United States Patent and Trademark Office in order to provide factual evidence regarding the invention and the prior art.

3. I have had several years of formal education in computer science and software engineering, including both college and continuing education classes for which I have earned advanced certifications. I am a certified designer and administrator in numerous types of software, including client/server, content and database software applications.
4. I worked as an information systems analyst for the state of California, where I helped develop and maintain the largest healthcare data center in the United States, including designing the information systems security programming and managing its Internet-based applications development team. Previously, I designed and managed technology systems for leading companies and public utilities, including Pacific Gas & Electric.
5. I have been the Chief Technology Officer for Accordent since 2000. I lead the design and development of Accordent's software products. I spend a considerable amount of time with Accordent's customers to align software development with their requirements and to leverage custom development into marketable products.
6. Accordent develops presentation software that enhances the way that companies use live and recorded streaming media for corporate communications, e-training, entertainment, and marketing.
7. Accordent has licensed their live and recorded streaming media software as described in the above-identified patent application to over 500 leading corporations, universities, and government agencies, including but not limited to, Intel, Oracle, Unisys, Philips Electronics, Sun Microsystems National Institutes of Health, the United States Air Force, the United Nations, Harvard University, Ford Motors, IBM, JP Morgan, Loral CyberStar, Globix, and Cable & Wireless.

8. In 2002, Streaming Magazine named me one of the "50 Most Influential People in Streaming." Streaming Magazine is a monthly magazine that covers the business of digital media and interactive broadcasting. An excerpt of such is attached as Exhibit A. On page 29, Streaming Magazine stated, "The success of these [business] relationships relied heavily on Loren's significant technological innovation."

9. In 2003, Accordent's software based on the above-identified patent application won the Reader's Choice Award for Best Corporate Streaming Application. Streaming Magazine's Reader's Choice Awards is recognized within the streaming and broadcasting industry as the definitive award to win that focuses on the most significant companies, products, and sites that are involved with streaming media.

10. In 2004, Accordent's software based on the above-identified patent application was awarded the Editor's Choice for Webcasting Software by Network Computing Magazine. Network Computing Magazine was established in 1990 and is designed to serve people who define core issues and manage technology in the business community. Editorial emphasis is on LAN, WAN, wireless and mainframe network applications, targeting a technical and managerial audience. It provides new products, hands-on technical reviews and workshops to help network/IS managers select and integrate the networking computing aspects for their enterprise.

11. Accordent's commercial success as well Accordent's and my awards of innovation are provided as evidence to rebut the Examiner's present rejections of the pending claims. In particular,

this evidence of commercial success and awards in innovation are used to rebut the Examiner's rejection of claims 5, 7, 10, 11-12, 17, 25, 27 under 35 U.S.C. 103(a). It is my belief these claims are not obvious to one of ordinary skill in the art at the time of the invention. I believe that Accordent and I would not have won our numerous awards of innovation if Accordent's software, based on the above-identified patent application, were obvious to one of ordinary skill in the streaming media arts at the time of the invention.

12. I also believe the Examiner is misinterpreting *He et al.* The cited reference *He et al.* describes a process for manually (client side) and automatically (database/server-side) targeting content to a particular audience. The process does not create content or modify content. The process is designed to refine, on the basis of audience requests, content scores and content characteristics, what content is available, what content is delivered, and what shortcuts can be provided to enable the audience to find what are assumed to be the most relevant parts of the content.

13. By contrast, the above-identified application and claims teach a content (multimedia presentations) creation tool. Multimedia presentations are created that could work with the process described by *He et al.* There is no functional overlap between the process described by *He et al.* and claims of the above-identified application. Accordent's software as claimed could be used to create a sales training presentation consisting of video instructions and dynamically changing product images and descriptions. The sales training presentation, with dynamically generated images, could then be delivered in the process described by *He et al.* to ensure the sales training presentation was relevant to a particular sales person and to continue to refine to whom to deliver the process. In general, *He et*

al. describes a solution to determine relevancy of content created and the above-identified patent application and claims teach creating content.

14. In particular, claim 1 calls for “detecting an embedded code” in the “media file.” The Examiner has stated that *He et al.* teaches this at Col. 4, lines 43-67 and Col. 5, lines 1-19. I believe this is incorrect and these passages merely teach a type of content used and in particular an ASF file. Further, claim 1 calls for “spawning a process by the interface program responsive to the embedded code” and “parsing the embedded code into a plurality of segments by the process.” The Examiner also states that these limitations are also taught by the same passage: Col. 4, lines 43-67 and Col. 5, lines 1-19. Once again, I believe one of ordinary skill in the art reading these passages would not interpret the passages as teaching this limitation. One of ordinary skill in the art would interpret these passages as merely teaching a type of content or type of streaming media content that is used and does not teach creating content as claimed. The Examiner has stated at page 10 of the Office Action “the timeline discussed in the cited portion is an example of an embedded code that is detected.” I believe this is incorrect and that one of ordinary skill in the art would not interpret “the timeline” as “an embedded code” and in particular not “a metadata time code” as required by claim 13.

15. Amended claim 2 clearly differentiates the present application from *He et al.* Amended claim 2 calls for creating content: “updating the displayed user interface with a high resolution image stored in the data store and providing video responsive to the media file.”

16. Amended claim 15 also differentiates the present application from *He et al.* Amended claim 15 calls for creating content: “creates a process for retrieving the information from the data store,

responsive to the embedded code, which is used to alter the displayed user interface while the media file is used to display a video.”

17. Amended claim 22 also differentiates the present application from *He et al.* Amended claim 22 calls for creating content: “a third software component capable to access a data store responsive to the embedded code in order to update a user interface while providing the streaming media.”

18. Amended claim 24 also differentiates the present application from *He et al.* Amended claim 24 call for creating content: “downloading information, stored in the database, to provide content to a user interface while displaying the streaming media content.”

19. Amended claim 26 also differentiates the present application from *He et al.* Amended claim 26 calls for creating content: “providing an image to a display responsive to executing the instructions while providing the streaming media content.”

20. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/4/4

By: 

Michael R. Lorenz
Chief Technology Officer,
Accordent Technologies, Inc.

■ WINDOWS MEDIA 9 SERIES BETA PREVIEW

■ SPECIAL ADVERTORIAL SECTION

WHO IS THIS MAN?



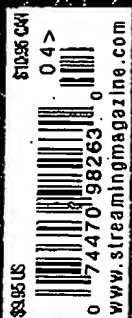
STREAMING

THE BUSINESS OF INTERNET MEDIA

OCTOBER 2002



THE 50 MOST INFLUENTIAL PEOPLE IN STREAMING



50 MOST INFLUENTIAL PEOPLE IN STREAMING



This year, when everything took a back seat to the horrific September 11 attacks on the United States and the subsequent war on terrorism, it's easy to lose sight of some of the important things that occurred in the streaming industry. That's why the executive staff at *Streaming* magazine set about the task of collecting news announcements, articles and analytical reports as it considered who should be named among the 50 most influential people in streaming.

Chief among industry changes were actions in Washington, DC, where litigation and legislation on copyright issues made headlines (and waves) in the halls of Congress. In other areas, there were continued enhancements to consumer streaming offerings in music,

film and other entertainment. Education institutions — ranging from public K-12 schools to widely respected universities — accelerated the use of streaming to enhance curricula. Streaming usage skyrocketed in enterprises large and small, as companies sought to contain costs and avoid business travel by executives still nervous about the threat of further terror in the skies.

For months, our executive team pored over thousands of pages of text and conducted hundreds of interviews while trading voicemails and e-mails. After hours of consultation, the team began the selection process. The result of that work follows, as *Streaming* magazine proudly announces the 50 Most Influential People In Streaming for 2002. »16

services. He later was a foreign correspondent in Asia before starting his own newswire service, later acquired by a large British media company. As an expert, he is a frequent speaker at seminars and conventions on topics ranging from streaming media to news broadcasting in Europe.

35 **Manish Jha** ESPN

Manish Jha, vice president of broadband and interactive television sales, spearheads affiliate sales efforts for ESPN and ESPN Broadband services. Since Jha assumed this position in July 2001, he has been instrumental in proving that compelling streaming video content can be instrumental in the increased adoption of broadband services. Jha also manages ESPN's video-on-demand, pay-per-view products as well as distribution of ESPN's linear and non-linear content to special market segments, such as hotels, airplanes and retail locations.

AT&T Broadband and Comcast — which merged late last year in a massive \$72-billion deal — partnered with ESPN Broadband to create a service that showcased the

benefits associated with the high-speed connection. Jha explains: "The idea was to design a user interface that would have many of the elements of a website [and] included things like scores and editorial pieces and so on. The high-quality video, which a consumer really couldn't get using a dial-up connection experience, would be central."

36 **Ben Waggoner** Stanford University

Last year, Ben Waggoner was named to our 50 Most Influential list largely for his work as an educator at Stanford University, and he continues that work. But Waggoner is also a leading consultant in the industry, helping enterprises make higher-quality video compression with more efficient workflows. He heads Ben Waggoner Digital, a compressed video consulting, training and encoding company; and he advises clients on compression technology, automation and integration issues. He frequently consults with venture capitalists seeking investments in software companies in the sector, and works with companies to help improve the product design and marketing of compression

tools. Waggoner also writes most of DV Magazine's features on web video, and due out this fall, from CMP, is his book — the first full-length book on practical video compression and modern formats.

37 **Mike Lorenz** Accordent Technology

Chief Technology Officer Mike Lorenz is chief architect of a suite of software-based authoring tools used by leading companies and universities to produce live and on-demand streaming presentations.

Lorenz's PresenterPRO product line was one of the first third-party platforms adopted by commercial services providers for the provision of presentation production services. Current licensees of PresenterPRO Enterprise Edition software include Loral CyberStar, Globix, Cable & Wireless, Akamai, and Streaming Media Corporation. The success of these relationships relied heavily on Lorenz's significant technological innovation. He has developed an easy-to-use authoring tool called PresenterONE, designed for the masses. To date, PresenterONE has more than 15,000 confirmed downloads »30

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38 Rob Koenen

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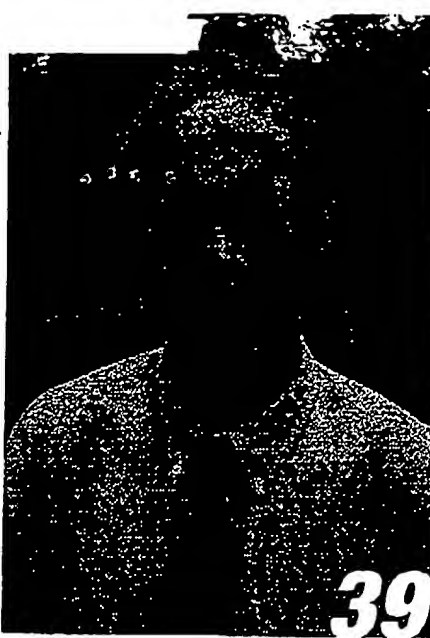
The development of standards, rarely an easy feat, is further complicated in the case of MPEG-4 by the fact that there are so many competing interests at stake. With the broadcast, entertainment, technology, and business communities in hopeful anticipation, Rob Koenen has helped to maintain a focus among members of the MPEG-4 Industry Forum, or M4IF. Rob Koenen is president of the M4IF, a group of more than 100 members, with more than 1,100 subscribers to its news list. Membership has worldwide representation from the consumer electronics, computer, telecommunications and research institutions. Koenen has kept the M4IF mission simple and straightforward: "To further the adoption of the MPEG-4 Standard, by establishing MPEG-4 as an accepted and widely used standard among application developers, service providers, content creators and end users."

39 Kurt Hanson

RAIN

Kurt Hanson, president of *Radio And Internet Newsletter*, has made it his mission to save Internet Radio, founding SaveInternetRadio.org this year and organizing a "Day of Silence," which brought a lot of press attention. Visibility for the issue was secured in *Time* and *Newsweek*, *The New York Times*, *The Wall Street Journal*, the *Los Angeles Times* and other major newspapers. SaveInternetRadio.org attracted hundreds of thousands of visitors and was responsible for tens of thousands of faxes (via the Lightningcast fax server) and e-mails to Congress.

"Since I had a lot of friends in the record business when I was younger," Hanson tells *Streaming* magazine, "I felt that I could do a good job of trying to balance what was good to keep Internet radio alive with what is, in reality, good for the record industry. Since I had 20 years of contacts in the broadcast radio business, plus pretty good relationships with webcasters, I tried... to find common ground that broadcasters, large webcasters, medium-size webcasters, small webcasters and educational/nonprofits could agree on."



40 James L. Sorenson, Jr.

Sorenson Media

Sorenson Media CEO Jim Sorenson, a longtime veteran of the streaming industry, points to the terrorist attacks of September 11 as a seminal moment for the industry. In the aftermath of the tragedies in New York, Washington, D.C., and Shanksville, PA, Compaq and Digital Island used Sorenson Media technology to stream messages from friends, family and the public to American service men and women in the U.S. Armed Services. Sorenson explains: "If I could summarize our mission statement in two words, that would be our catch phrase, 'Powering eMotion,' which connotes both the enhancement of human emotional experience and the electronic motion (i.e. streaming) technology that makes it possible."

41 Rich Mavrogeanes

VBrick

Rich Mavrogeanes has created a new category of "video network appliances," which are used in the federal government — from the White House to the Department of Justice to the Department of Defense — for worldwide for security and surveillance. VBrick's video network appliances are used in companies from financial services to manufacturing and are used in schools from K-12 to colleges and universities.

One customer, the New York City Public School System, is using VBrick for two applications: interactive distance learning between multiple schools and virtual tours of the National Museum of History and the Lincoln Art Center. The Utah

Education Network has placed VBrick in many K-12 schools and connected those schools to the University of Utah to enhance the distance-learning program. Southeast Community College uses VBrick to record classes and distribute educational content on demand to buildings throughout the college campus.

42 Steve Mack

Streaming Media Bible

Steve Mack, recognized for his knowledge of the streaming industry, took most of the past year to write *The Streaming Media Bible*. Along the way, Mack worked with many streaming media experts to cram as much useful information as possible into one volume. In the end, more than 150 pages of additional information had to be placed on the CD included with the book because of printing limitations. Despite the amount of work dedicated to writing the book, Mack also found time to produce the U2 broadcast from Notre Dame, which *Yaboo Internet* magazine named in its "Top of the Net for 2001." Mack continues to produce cutting-edge streaming media presentations for a number of customers and to continue his training and evangelization for the streaming media industry.

43 Frank Hausmann

CenterSpan

CenterSpan Chairman and CEO Frank Hausmann has been busy throughout 2002, signing high-profile deals and speaking at high-power events. Important among his business achievements is CenterSpan's successful acquisition of file-swapping Scour, turning the network into a legitimate streaming media download site and a showcase for the company's C-StarOne delivery network. Hausmann subsequently signed separate deals with Sony and Universal, leveraging CenterSpan's C-StarOne delivery network. Hausmann was the first peer-to-peer technologist invited to address a House Judiciary Committee — he testified about "Consumer Benefits of Today's Digital Rights Management Solutions."

44 Michael Hoch

Aberdeen

Over the past year, Michael Hoch, as research director of Internet infrastructure